United Nations A/HRC/RES/25/26

General Assembly

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Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council

25/26.
Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 22/14 of 21 March 2013 and General Assembly resolution 68/242 of 27 December 2013, and President's statement PRST/23/1 of 14 June 2013,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar, as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of his visits to the country from 11 to 16 February 2013, 11 to 21 August 2013 and 14 to 19 February 2014,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the positive developments in Myanmar and the commitment of the Government of Myanmar to continue on its path of political and economic reform, democratization and national reconciliation and the promotion and protection of human rights, recognizing the scale of the reform effort undertaken to date;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within the parliament, civil society and opposition parties, and urges the Government to continue constitutional and electoral reform in order to ensure that the general and presidential elections to be held in 2015 are genuinely credible, inclusive and transparent, allowing all candidates to fairly contest the elections;

3. *Further welcomes* the increased space for political activity, assembly, speech and the press, and encourages the Government of Myanmar to fulfil its commitment to carry out comprehensive media reform and to protect the rights to freedom of expression, association and of peaceful assembly, including to allow for free and independent media

and to ensure the safety and security of human rights defenders and their freedom to pursue their activities;

4. *Welcomes* the continued and significant release of prisoners of conscience during the past year, and urges the Government of Myanmar to continue the important remaining tasks of the prisoner review committee aimed at the unconditional release of all political prisoners, including all political activists and human rights defenders detained recently, to continue working with the parliament to repeal existing legislation which is not in line with international human rights standards and to ensure the full rehabilitation of former prisoners of conscience;

5. *Expresses concern* about remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and urges the Government of Myanmar to step up its efforts to put an end to such violations;

6. *Welcomes* the ongoing efforts aimed at reviewing and reforming legislation, including the Constitution, and stresses the need for and relevance of such reforms, recalls the importance of ensuring its compatibility with international standards and democratic principles, in this regard acknowledges with interest the draft legislation on the National Human Rights Commission intended to bring its functioning into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and calls upon the Government of Myanmar to continue legal reform, including by further repealing laws restricting fundamental freedoms, and to consider ratifying additional international instruments, including international human rights conventions, and incorporating them into national legislation;

7. *Encourages* the Government of Myanmar to take further steps to strengthen good governance and the rule of law, including through legislative and institutional reform, and to address the need for an independent, impartial and effective judiciary, and repeats its call upon the Government to take the measures necessary to ensure accountability and end impunity, including by undertaking a full, transparent and independent investigation into all reports of violations of international human rights law and humanitarian law;

8. *Welcomes* the peace process efforts and the ensuing signing of ceasefire agreements between the Government of Myanmar and the ethnic armed groups, and urges full implementation of those agreements, including for all parties to protect the civilian population against ongoing violations and abuses of human rights and international humanitarian law and for safe, timely, full and unhindered humanitarian access to be granted to all areas, and also welcomes the commitment of the President and his Government and the armed opposition groups to reach a nationwide ceasefire and to pursue an all-inclusive political dialogue, notably with the participation of women, with the objective of achieving lasting peace;

9. *Urges* the Government of Myanmar to accelerate its efforts to address discrimination, human rights violations, violence, hate speech, displacement and economic deprivation affecting various ethnic and religious minorities, to take all measures necessary to prevent the destruction of places of worship, cemeteries, infrastructure and commercial residential buildings belonging to all peoples and to ensure freedom of movement and equal access to services, including health and education;

10. *Reiterates its serious concern* about the situation of the Rohingya and other minorities in Rakhine State, including repeated instances of violence that led all communities to suffer tremendous trauma, and other reported abuses in the past year, including earlier this year in Du Chee Yar Tan, requesting that an independent investigation

be undertaken into those events and that those responsible be held to account, about attacks against Muslim minorities elsewhere in the country and about intimidation of and threats to the United Nations and other humanitarian workers operating in Rakhine State; calls upon the Government of Myanmar to protect all civilians from violence, to ensure full respect for human rights and fundamental freedoms, including full and immediate access to humanitarian assistance without discrimination, unhindered access by humanitarian agencies across Rakhine State and the safe and voluntary return of internally displaced persons and refugees to their communities of origin, to allow freedom of movement and equal access to full citizenship for the Rohingya minority, and to address issues of land ownership and restitution of property; and, while welcoming some measures taken by the Government in this regard, encourages the Government to facilitate interfaith and intercommunity dialogue and to address the root causes of the issue and to undertake full, transparent and independent investigations into all reports of human rights violations to ensure accountability and to bring about reconciliation;

11. *Welcomes* the improved engagement and cooperation of the Government of Myanmar with the United Nations and other international actors, including the Special Representative of the Secretary-General for Children and Armed Conflict and the International Labour Organization, and the progress made towards ending recruitment and use of child soldiers in Myanmar and towards the elimination of forced labour, including the Government's agreement to an extension of the action plan to end and prevent the recruitment and use of children by the armed forces, and encourages its full implementation and also the implementation of other relevant agreements, including the commitment to end forced labour by 2015;

12. *Expresses concern* at further delays, while recalling the commitment of the Government of Myanmar to open a country office of the Office of the United Nations High Commissioner for Human Rights, notes ongoing negotiations and calls upon the Government to promptly establish the office with a full mandate and to specify a process for the opening of the office in accordance with the mandate of the High Commissioner;

13. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development, and encourages private companies to ensure that their investment and related activities respect human rights in accordance with the Guiding Principles on Business and Human Rights;

14. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011, 19/21 of 23 March 2012 and 22/14 of 21 March 2013 and, in addition, invites the Special Rapporteur to include in his or her next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building and information on the progress in the electoral process and reform in the run-up to the 2015 elections;

15. *Calls upon* the Government of Myanmar to continue its cooperation with the next Special Rapporteur in the exercise of the mandate, including by facilitating further visits, while welcoming the cooperation of the Government with the Special Rapporteur, and calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him or her to discharge the mandate fully;

16. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-ninth session and to the Human Rights Council in accordance with its annual programme of work;

17. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

55th meeting
28 March 2014

[Adopted without a vote.]

United Nations A/HRC/RES/25/27

General Assembly

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Human Rights Council
Twenty-fifth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Resolution adopted by the Human Rights Council

25/27.
Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[1] and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

[1] A/CONF.157/23.

Taking note of General Assembly resolution 67/19 of 29 November 2012,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling also the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this jus cogens norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the region of the Middle East,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Noting the decision of the General Assembly, in its resolution 68/12 of 26 November 2013, to proclaim 2014 the International Year of Solidarity with the Palestinian People, and reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

5. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

6. *Decides* to continue the consideration of this question at its twenty-eighth session.

56th meeting
28 March 2014

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco,

Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

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Human Rights Council
Twenty-fifth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Resolution adopted by the Human Rights Council

25/28.
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling the relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, as well as the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Taking note also of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[1]

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine regional and international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically the Quartet's call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Taking note of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and taking note of the follow-up report thereon of the Secretary-General,[2]

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Expressing grave concern at the continuation by Israel, the occupying Power, of settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,

Expressing grave concern in particular at the construction and expansion by Israel of settlements in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State, as well as at the

[1] A/HRC/22/63.
[2] A/67/738.

continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city and ongoing settlement activities in the Jordan Valley,

Expressing grave concern at the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and could prejudge future negotiations and make the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Deploring settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, as well as any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced displacement of civilians and the de facto annexation of land,

Gravely concerned at the rising number of incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights,[1] which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and urge States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas,

Reaffirming the fact that the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War undertook to respect and ensure respect for the Convention in all circumstances, and that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

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[1] A/HRC/17/31, annex.

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately and completely cease all of its settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 1515 (2003) of 19 November 2003;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

5. *Condemns* the continuing settlement and related activities by Israel, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and in particular article 49 thereof;

6. *Also condemns* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they seriously undermine the peace process and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including relevant United Nations resolutions, constitute a threat to the two-State solution and the creation of a contiguous, sovereign, independent Palestinian State, and are in violation of international law and would entail the forced transfer of Palestinian civilians, and calls upon Israel to immediately reverse its decisions;

7. *Expresses its grave concern* at:

(*a*) The increasing number of newly built structures over the past years and to date, undermining the efforts of the international community to advance the Middle East peace process;

(*b*) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including the settlements located in the Jordan Valley;

(*c*) The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a fait

accompli on the ground that could well be permanent, in which case it would be tantamount to de facto annexation;

(*d*) The operation by Israel of a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

8. *Calls upon* Israel, the occupying Power:

(*a*) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and discard its E-1 plan;

(*b*) To immediately cease construction of the new illegal settlement highway (the "Begin Highway") in the neighbourhood of Beit Safafa in occupied East Jerusalem, which is in clear violation of international law;

(*c*) To put an end to the human rights violations linked to the presence of settlements, especially of the right to self-determination, and fulfil its international obligations to provide effective remedy for victims;

(*d*) To take immediate measures to prohibit and eradicate all policies or practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, to the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, and to the application of a two-tier legal system;

(*e*) To put an end to measures resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves;

(*f*) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for, and preventing, all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(*g*) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union from 2014 onwards;

10. *Encourages* all States and international organizations to continue to actively pursue policies that ensure respect of their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements;

11. *Urges* all States:

(*a*) To ensure that they are not taking actions that assist the expansion of settlements or construction of the wall in the Occupied Palestinian Territory, including East Jerusalem;

(*b*) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, to take appropriate measures to encourage businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, and to refrain from committing or contributing to gross human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards;

(*c*) To provide information to individuals and businesses on the financial, reputational and legal risks, as well as the possible abuses of the rights of individuals, of becoming involved in settlement-related activities, including economic and financial activities, the provision of services in settlements and the purchasing of property;

12. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

13. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

14. *Welcomes* the decision of the Working Group on the issue of human rights and transnational corporations and other business enterprises to issue a statement before the twenty-sixth session of the Human Rights Council, in follow-up to Council resolution 22/29;

15. *Requests* the United Nations High Commissioner for Human Rights to present a report detailing the implementation of the recommendations contained in the report of the independent fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian People throughout the Occupied Palestinian Territory, including East Jerusalem, to the Human Rights Council at its twenty-eighth session;

16. *Requests* the Secretary-General to report on the implementation of the present resolution at its twenty-eighth session;

17. *Decides* to remain seized of the matter.

56th meeting
28 March 2014

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia,

Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

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Human Rights Council
Twenty-fifth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Resolution adopted by the Human Rights Council

25/29. Human rights situation in Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, as well as of other relevant recent reports of the Human Rights Council,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Mindful of the failure by Israel, the occupying Power, to live up to its obligations as set forth in international law and as reaffirmed in all relevant United Nations resolutions and the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

Reaffirming that all States have the right and the duty to take actions in conformity with international human rights law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in particular about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and the military operations between December 2008 and January 2009 and in November 2012, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population,

Stressing the need to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

Expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only, and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and deeply concerned also at the consequent violation of the human rights of the Palestinian people and the negative impact on their socioeconomic situation and the efforts aimed at rehabilitating and developing the Palestinian economy,

Deploring all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Emphasizing that the destruction of property and the permanent displacement of Palestinian communities in the Occupied Palestinian Territory, including East Jerusalem, from their initial locations constitute, in all but the most limited cases as specified under international law, violations of the prohibitions on destruction of property and forcible transfer, respectively, under articles 53 and 49 of the Fourth Geneva Convention,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoner and all reports of torture,

Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population, and to help the parties implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

Taking note of the continued efforts and tangible progress made in the security sector by the Palestinian Government, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

3. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian Territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

4. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Also demands* that Israel, the occupying Power, cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

6. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

7. *Expresses grave concern* at the confiscation and damage by Israel of fishing nets in the Gaza Strip for which there is no discernible security justification;

8. *Condemns* the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, and in the context of peaceful protests in the West Bank, resulting in extensive loss of life and vast numbers of injuries;

9. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

10. *Further condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, including the torching of places of worship and the destruction of olive trees and crops by Israeli settlers;

11. *Calls upon* Israel to cease all violations of the right to education of Palestinians, including those stemming from restrictions on movement and incidents of harassment and attacks on school children and educational facilities by Israeli settlers and as a result of Israeli military action;

12. *Also calls upon* Israel to end any harassment, intimidation and reprisals against human rights defenders who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies;

13. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees in Israeli jails and detention centres, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, and also expresses its concern at the continued extensive use of administrative detention, calls for a full implementation of the agreement reached in May

2012 for a prompt and independent investigation into all cases of death custody, and also calls upon Israel to release any Palestinian prisoner whose detention is not in accordance with international law;

14. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

15. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

16. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

17. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

18. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings, and to ensure adequate housing and legal security of tenure;

19. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

20. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a whole;

21. *Expresses grave concern* at:

(*a*) The restrictions imposed by Israel that impede access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

(*b*) The increasing tensions in occupied East Jerusalem and the wider region, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

22. *Expresses serious concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

23. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

24. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

25. *Stresses* the need for Israel to abide by all relevant United Nations resolutions and to cooperate with the Human Rights Council, all special procedures and the Office of the United Nations High Commissioner for Human Rights;

26. *Requests* the Secretary-General to report on the implementation of the present resolution to the Human Rights Council at its twenty-eighth session;

27. *Decides* to remain seized of the matter.

56th meeting
28 March 2014

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

United Nations A/HRC/RES/25/30

General Assembly

Distr.: General
15 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Resolution adopted by the Human Rights Council

25/30. Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict

The Human Rights Council,

Recalling its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,[1]

Recalling also the relevant rules and principles of international law, including international humanitarian and international human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

1. *Renews* its recommendation that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations contained in the report of the Independent International Fact-Finding Mission on the Gaza Conflict is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators, and to remain also ready to consider whether additional action within its powers is required in the interests of justice;

2. *Decides* to remain seized of the matter.

56th meeting
28 March 2014

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour:

[1] A/HRC/12/48.

Algeria, Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Estonia, Ethiopia, France, Gabon, Germany, India, Indonesia, Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Montenegro, Morocco, Namibia, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America]

United Nations A/HRC/RES/25/31

General Assembly

Distr.: General
15 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Resolution adopted by the Human Rights Council

25/31.
Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 68/84 of 11 December 2013, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human of the Palestinian People and Other Arabs of the Occupied Territories[1] and, in this connection, deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention

[1] A/68/379.

relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being Council resolution 22/17 of 21 March 2013,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[1]

4. *Calls upon* Israel to allow the Syrian population of occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 27 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of

the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its twenty-eighth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its twenty-eighth session.

56th meeting
28 March 2014

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour:

Algeria, Argentina, Benin, Botswana, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Maldives, Mexico, Morocco, Namibia, Pakistan, Peru, Philippines, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

United States of America

Abstaining:

Austria, Czech Republic, Estonia, France, Germany, Ireland, Italy, Japan, Montenegro, Republic of Korea, Romania, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

United Nations A/HRC/RES/25/32

General Assembly

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15 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Resolution adopted by the Human Rights Council

25/32.
Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

Recalling all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 7/34 of 28 March 2008;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the discharge of his/her mandate, including by responding promptly to the Special Rapporteur's communications, including urgent appeals, and by providing the information requested;

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3. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly on all activities relating to his/her mandate with a view to maximizing the benefits of the reporting process;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of his/her mandate;

5. *Decides* to remain seized of this priority issue.

56th meeting
28 March 2014

[Adopted without a vote.]

United Nations A/HRC/RES/25/33

General Assembly

Distr.: General
10 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Resolution adopted by the Human Rights Council

25/33.
International Decade for People of African Descent

The Human Rights Council,

Recalling General Assembly resolution 68/237 of 23 December 2013 on the proclamation of the International Decade for People of African Descent,

1. *Takes note with appreciation* of the proclamation by the General Assembly in its resolution 68/237 of the International Decade for People of African Descent, effective from 1 January 2015 and ending on 31 December 2024;

2. *Emphasizes* the need to urgently heed the instruction of the General Assembly contained in paragraph 2 of its resolution 68/237, and in this regard requests the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to dedicate its programme of work at its forthcoming twelfth session, to be held from 7 to 17 April 2014, to the purposes of elaborating a programme of activities for the implementation of the International Decade for People of African Descent, drawing from the already developed and existing draft Programme of Action for the Decade for People of African Descent[1] as elaborated by the Working Group of Experts on People of African Descent, welcomed by the Human Rights Council in its resolution 21/33 of 28 September 2012 and discussed in the report of the Secretary-General on how to make the International Decade for People of African Descent effective;[2]

3. *Invites* the President of the General Assembly and his appointed facilitator for this purpose to participate in the forthcoming twelfth session of the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action, as appropriate;

[1] A/HRC/21/60/Add.2.
[2] A/67/879.

4. *Requests* the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action to present its final report in this regard to the Human Rights Council at its twenty-sixth session for adoption and transmission to the General Assembly.

56th meeting
28 March 2014

[Adopted without a vote.]

United Nations A/HRC/RES/25/34

General Assembly

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15 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Resolution adopted by the Human Rights Council

25/34.
Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012 and 22/31 of 22 March 2013, as well as General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012 and 68/169 of 18 December 2013,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

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Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity as well as interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Taking note of General Assembly resolution 68/127 on "A world against violence and violent extremism", adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, as well as the work of the King Abdullah Bin Abdulaziz International Centre for interreligious and intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of experts' meetings held in Washington, D.C., London, Geneva and Doha, in the framework of the Istanbul process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, as well as the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that the open, public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(*a*) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(*b*) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(*c*) Encouraging the training of government officials in effective outreach strategies;

(*d*) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(*e*) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(*f*) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(*g*) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, region and international levels through, inter alia, education and awareness-building;

(*h*) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(*a*) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(*b*) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(*c*) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(*d*) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 22/31 summarizing contributions received from States,[1] and also takes note of the conclusions of the report based on those contributions;

12. *Requests* the High Commissioner to prepare and submit to the Human Rights Council, at its twenty-eighth session, a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 7 and 8 above, as

[1] A/HRC/25/34.

well as their views on potential follow-up measures for further improvement of the implementation of that plan;

13. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

56th meeting
28 March 2014

[Adopted without a vote.]

United Nations A/HRC/RES/25/35

General Assembly

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Human Rights Council
Twenty-fifth session
Agenda item 10
Technical assistance and capacity-building

Resolution adopted by the Human Rights Council

25/35
Strengthening of technical cooperation and consultative services in Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 13/21 of 26 March 2010, 16/36 of 25 March 2011, 19/30 of 23 March 2012 and 23/23 of 14 June 2013,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

Noting with satisfaction the efforts made by Guineans and the international community, in particular the African Union and the Economic Community of West African States, to establish democratic institutions and to strengthen the rule of law,

Welcoming the successful holding of peaceful and inclusive legislative elections on 28 September 2013 and the establishment of the new National Assembly of Guinea on 13 January 2014,

Recalling that it is the primary responsibility of the Government of Guinea to protect its population, to conduct inquiries into allegations of violations of human rights and international humanitarian law and to bring perpetrators to justice,

1. *Recognizes* the efforts made by the Government of Guinea to strengthen the rule of law and improve the human rights situation in the country, in line with the recommendations of the International Commission of Inquiry established by the Secretary-

General[1] and supported by the African Union and the Economic Community of West African States;

2. *Welcomes* the existence of the new Ministry of Human Rights and Civil Liberties and its constructive work and the mainstreaming of human rights in the reform of the security sector;

3. *Calls upon* the Guinean authorities to guarantee freedom of opinion and expression and freedom of peaceful assembly and association;

4. *Urges* all political stakeholders:

(*a*) To continue to take an active part in good faith in the political dialogue, particularly on issues regarding the organization of free, transparent, inclusive and peaceful elections;

(*b*) To prevent and prohibit any act of violence that harms the democratization process under way;

(*c*) To be actively involved in the national reconciliation process;

5. *Encourages* the Government of Guinea to make the national commission established in 2013 for the study and prevention of the problem of violence operational;

6. *Firmly reiterates* its commitment to accession to power by democratic means and condemns all incitement to ethnic and/or racial hatred;

7. *Welcomes* the efforts by the Government of Guinea to undertake reforms in the security and defence sectors that incorporate respect for human rights and guarantee the enjoyment of civil and political rights;

8. *Encourages* the Government of Guinea to draw up a comprehensive programme to strengthen the administration of justice to combat impunity and strengthen respect for human rights;

9. *Notes* that measures have been taken by the panel of judges appointed by the Government of Guinea to investigate the events of 28 September 2009, including the hearing of testimony of victims and the filing of charges against suspects, encourages the panel of judges to pursue its work and urges the Government to guarantee the necessary means and security conditions for the panel of judges so that its members may effectively fulfil their mandate;

10. *Encourages* the Government of Guinea to adopt the following supplementary measures:

(*a*) Support the work of the panel of judges and expedite judicial proceedings against those responsible for the events of 28 September 2009, including the acts of sexual violence committed against women and girls, ensure the safety and protection of the witnesses and victims and provide them with appropriate redress and assistance, including in the form of medical and psychological support;

(*b*) Compensate the families of victims who lost their lives as a result of the events of 28 September 2009 and provide redress for the physical and psychological suffering inflicted upon those who were wounded;

11. *Notes* that the Government of Guinea has agreed to accept technical assistance from an expert deployed by the Team of Experts on the Rule of Law and Sexual

[1] See S/2009/693.

Violence in Conflict and encourages the Government to continue its cooperation with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict;

12. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea in 2013;[2]

13. *Firmly reiterates* its appeal to the international community:

(*a*) To provide the Government of Guinea with appropriate assistance to promote respect for human rights through, inter alia, the achievement of the Millennium Development Goals, the fight against impunity and the reform of the security and justice sectors, as well as the initiatives that are under way to promote truth, justice and national reconciliation;

(*b*) To support the Office of the United Nations High Commissioner for Human Rights in Guinea;

(*c*) To support the Ministry of Human Rights and Civil Liberties in the implementation of its plan of action;

14. *Invites* the High Commissioner to report to the Human Rights Council at its twenty-eighth session on the situation of human rights and the work of the Office of the High Commissioner in Guinea;

15. *Decides* to remain seized of this matter.

56th meeting
28 March 2014

[Adopted without a vote.]

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[2] A/HRC/25/44

United Nations A/HRC/RES/25/36

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Human Rights Council
Twenty-fifth session
Agenda item 10
Technical assistance and capacity-building

Resolution adopted by the Human Rights Council

25/36
Assistance to the Republic of Mali in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 20/17 of 6 July 2012, 21/25 of 28 September 2012 and 22/18 of 21 March 2013,

Recalling also Security Council resolutions 2085 (2012) of 20 December 2012 and 2100 (2013) of 25 April 2013,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of the Republic of Mali,

Taking note of the report of the Independent Expert on the situation of human rights in Mali,[1]

Welcoming the commitment of the authorities of Mali to restore the rule of law and firmly combat impunity,

1. *Welcomes* the full return to constitutional order and significant improvement in the security situation in Mali which were made possible by the coordinated action to support the efforts of the authorities of Mali taken by the international community through the deployment of the United Nations Multidimensional Integrated Stabilization Mission in Mali;

[1] A/HRC/25/72.

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2. *Reiterates* its concern over the human rights violations and abuses and violations of international humanitarian rights law committed in the Republic of Mali since 2012, which include summary executions, enforced disappearances, violence against women and children, the recruitment and use of child soldiers, attacks on schools, hospitals and cultural and religious sites, looting, arbitrary arrests and detentions and torture and cruel, inhuman or degrading treatment perpetrated in particular by armed groups;

3. *Commends* the action undertaken by the Government of Mali to bring all perpetrators of such acts before impartial and independent courts regardless of their status or function;

4. *Welcomes* the establishment in Mali of a Ministry for National Reconciliation, commends the commitment of the authorities of Mali to expand the mandate of the Dialogue and Reconciliation Commission to include a truth and justice component, and encourages the Commission to set up a workplan to facilitate rapid progress;

5. *Takes note* of the signature of an agreement on judicial cooperation between the Republic of Mali and the International Criminal Court;

6. *Welcomes* the good cooperation of Mali with the Independent Expert on the situation of human rights in Mali;

7. *Calls upon* the Government of Mali to continue its efforts to protect human rights and to promote national reconciliation, including through strengthening the judiciary, developing transitional justice mechanisms and reintroducing actual State services throughout the country;

8. *Reiterates* its call for women's full participation in the process of reconciliation, in accordance with the relevant resolutions of the Security Council;

9. *Urges* the international community to continue to provide, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons in order to encourage the voluntary return of such persons to their place of origin;

10. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for one year with a view to assisting the Government of Mali in its efforts to promote and protect human rights;

11. *Requests* the Independent Expert to work closely with all entities of the United Nations, the African Union and the Economic Community of West African States, and with all other international organizations concerned and Malian civil society, and to report to the Human Rights Council at its twenty-eighth session;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the assistance necessary to enable him or her to fully discharge his or her mandate;

13. *Encourages* the States Members of the United Nations, within the framework of their international cooperation activities, the relevant United Nations agencies, international financial institutions and all other relevant international organizations to provide technical and capacity-building assistance with a view to promoting respect for human rights and introducing judicial reforms;

14. *Decides* to remain seized of this matter.

56th meeting
28 March 2014

[Adopted without a vote]

United Nations

A/HRC/RES/25/37

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Human Rights Council
Twenty-fifth session
Agenda item 10
Technical assistance and capacity-building

Resolution adopted by the Human Rights Council

25/37. Technical assistance for Libya in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the other relevant international human rights treaties,

Confirming that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

Recognizing the challenges facing Libya in laying the foundations for transitional justice and national reconciliation,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Recognizing the efforts made by Libya to build the basis for democracy, the rule of law and human rights,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 66/11 of 18 November 2011, on the restoration of the rights of membership of Libya in the Human Rights Council,

Recalling also the communiqué of the International Ministerial Conference on Support to Libya in the Areas of Security, Justice and the Rule of Law, issued in Paris on 12 February 2013,

Recalling further Human Rights Council resolutions S-15/1 of 25 February 2011, 17/7 of 17 June 2011, 18/9 of 29 September 2011 and 19/39 of 23 March 2012,

Recalling Human Rights Council resolution 22/19 of 21 March 2013 on assistance for Libya in the field of human rights,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the human rights-related challenges and needs in Libya and the support provided by the United Nations Support Mission in Libya, including

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technical assistance and other activities to build expertise and improve cooperation with Libya in relation to the promotion and protection of human rights;[1]

2. *Recognizes* the security, political and economic challenges faced by Libya;

3. *Welcomes*:

(*a*) The election of the members of the Libyan Constitutional Assembly, which has been tasked with drafting an inclusive Constitution that guarantees the human rights of all Libyans without discrimination, that will then be subject to approval by the people of Libya;

(*b*) The promulgation of Law No. 29 on 2 December 2013 on transitional justice, which begins to address national reconciliation and inclusive national dialogue by establishing a fact-finding and reconciliation commission to address human rights violations committed under the former regime as well as during the transitional period, and by providing a 90-day deadline to complete the screening process of all detainees held without charge;

(*c*) The issuance of Decree No. 119 of 2014 by the Council of Ministers concerning recognition of victims of sexual violence as victims of war, which allows for reparation, healing and legal support;

(*d*) The adoption of laws recognizing, protecting and supporting the cultural and linguistic heritage of the Amazigh, Tebu and Tuareg; criminalizing torture, enforced disappearances and discrimination; abolishing the jurisdiction of military courts over civilians; providing pensions and benefits to families of those killed or missing during the revolution; and establishing a committee to investigate the killings in the Abu Salim prison in 1996, and urges the General National Congress to implement these laws;

(*e*) The amendment to the law in May 2013 to enhance the independence of the judiciary by allowing the election by peers of 11 out of 13 members of the Supreme Judicial Council;

4. *Also welcomes*:

(*a*) The wish expressed by the Government of Libya to continue its cooperation with the United Nations High Commissioner for Human Rights and to renew the invitation for her to visit Libya;

(*b*) The commitment of Libya to the rule of law and the establishment of legislative, executive and judicial branches of government in accordance with its international obligations, including the establishment of a committee on human rights within the General National Congress;

(*c*) The plans within the judicial police to develop a comprehensive prison reform strategy and to establish professional correction services, and the continued efforts of the Ministry of Justice to improve the situation of human rights in State-controlled detention centres;

(*d*) The commitment of the National Council for Civil Liberties and Human Rights to continue to work in conformity with the Paris Principles to monitor and protect human rights in Libya;

(*e*) Efforts to strengthen the role of and support for civil society and non-governmental organizations in enhancing, affirming and raising awareness of human rights;

[1] A/HRC/25/42.

(*f*) The ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto;

(*g*) Progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*h*) Improvements in the treatment of detainees in detention centres under State control, and the opening of the newly built al-Jawwiyah Institution for Correction and Rehabilitation in Misrata;

(*i*) The intention to draft a national plan of action on enhancing the protection of human rights in partnership with the Office of the High Commissioner with a view to building a State governed by the rule of law, and encourages its implementation;

5. *Calls upon* the Government of Libya to establish a broad-based and inclusive national dialogue in order to ensure a peaceful and sustainable democratic transition;

6. *Condemns* the assassination of government officials and civil society leaders, including judges and other members of the judiciary in Derna and Benghazi, and urges the Government of Libya to continue its investigations in order to bring the perpetrators of these crimes to justice and to ensure a strengthened justice system, recognizing the need to provide substantial technical support for the investigations;

7. *Expresses concern* at the continued mistreatment of detainees in detention centres out of judicial police control;

8. *Calls upon* the Government of Libya to urgently increase efforts to establish full and effective control over all detention centres in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including those relating to due process of law and basic legal protections, humane conditions of detention and fair trials, and that all detainees who will not be charged are released immediately;

9. *Urges* the Government of Libya to intensify efforts to prevent acts of torture, to investigate all allegations of torture and other ill-treatment in detention facilities, and to bring to justice those responsible;

10. *Notes* the continued cooperation of the Government of Libya with the International Criminal Court regarding the situation in Libya;

11. *Urges* the Government of Libya to expedite the voluntary return in safety and dignity of all persons displaced, in accordance with the law on transitional justice, and to strengthen efforts to end the continued arbitrary detention, torture and harassment of individuals;

12. *Also urges* the Government of Libya to take further steps to protect freedom of expression, ensuring that media can operate freely and without discrimination, to review provisions of the Penal Code and other provisions that violate freedom of expression and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, judiciary and the State, for "slander" and for blasphemy;

13. *Calls upon* the Government of Libya to further empower women and girls, ensuring full participation in relation to the electoral system, the police and the judiciary;

14. *Encourages* the Libyan Constitutional Assembly to include in the Constitution protections for the rights of all, including members of vulnerable groups and women;

15. *Also encourages* the Libyan Constitutional Assembly to ensure participation of all members of society, as far as possible, in the process of drafting the Constitution;

16. *Calls upon* the Government of Libya to continue to protect freedom of religion and belief according to its international obligations, and to take appropriate measures to prevent attacks against persons belonging to religious or ethnic minorities, and to prosecute the perpetrators of such attacks;

17. *Urges* the Government of Libya to take further steps to guarantee freedom of association and assembly by reviewing Penal Code articles that undermine freedom of association and adopting a law for civil society organizations that is in accordance with international freedom of association standards, ensures the protection of human rights defenders and that any legal limitations are necessary and proportionate, and complies with Libya's international treaty obligations;

18. *Calls upon* the Government of Libya to review the Political Isolation Law and the amendment to Article No. 195 of the Penal Code of 5 February 2014 to ensure that they remain compliant with international human rights obligations and international humanitarian law;

19. *Calls upon* the international community to support the efforts of the Government of Libya to ensure protection of the human rights of migrants, refugees and internally displaced persons;

20. *Encourages* the Government of Libya to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya;

21. *Welcomes and supports* the efforts made by the Government of Libya to stabilize the security situation, and urges it:

(*a*) To maintain this process through means that include arms control, availability of arms and the reintegration into society of the armed groups currently operating outside government control;

(*b*) To respond to significant psychosocial needs as a direct consequence of the conflict and, to process conflict-related detainees through the civil justice system;

22. *Takes note* of the final report of the International Commission of Inquiry on Libya,[2] and encourages the Government of Libya to implement fully the recommendations contained therein;

23. *Welcomes* the technical support provided by the United Nations High Commissioner for Human Rights, the relevant international organizations and the international community to promote the process of building a State governed by the rule of law;

24. *Recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential of the recovery of these assets in helping the Libyan authorities to improve security, development and the realization of all human rights of the Libyan people;

25. *Welcomes* the announcement at the Rome Conference, held on 6 March 2014, of an international partnership for Libya to monitor progress in various domains, including security, governance, the rule of law, national dialogue and transitional justice;

[2] A/HRC/19/68.

26. *Requests* the Office of the High Commissioner to further provide technical assistance to support the Government of Libya in building and strengthening national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law in Libya;

27. *Calls upon* the international community to continue to provide the necessary assistance to Libyan efforts towards establishing the rule of law, in coordination with the Libyan authorities, the Office of the High Commissioner and the United Nations Support Mission in Libya;

28. *Calls upon* the Government of Libya to continue to extend full cooperation to the Office of the High Commissioner and the United Nations Support Mission in Libya on all issues pertaining to the promotion and protection of human rights, including by providing full access to detainees, the courts, the judiciary and other institutions;

29. *Requests* the Office of the High Commissioner to prepare a written report for submission to the Human Rights Council at its twenty-eighth session, reflecting the human rights situation in Libya, and the technical support and capacity-building needs in Libya to strengthen the promotion and protection of and respect for human rights and fundamental freedoms, and to overcome the current challenges to security, respect for the rule of law and transitional justice.

56th meeting
28 March 2014

[Adopted without a vote.]

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Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council

25/38. The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling the Vienna Declaration and Programme of Action,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and relevant regional human rights instruments,

Reaffirming also that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011, on freedom of opinion and expression, 15/21 of 30 September 2010, 21/16 of 27 September 2012 and 24/5 of 26 September 2013, on the rights to freedom of peaceful assembly and of association, and 19/35 of 23 March 2012 and 22/10 of 21 March 2013, on the promotion and protection of human rights in the context of peaceful protests,

Recalling also Human Rights Council resolutions 21/12 of 27 September 2012, on the safety of journalists, 24/8 of 26 September 2013, on equal political participation, 22/6 of 21 March 2013, on protecting human rights defenders, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and practice, a safe and enabling environment,

Recalling further the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, in accordance with States' obligations under applicable international human rights instruments and subject to a competent, independent, impartial and prompt administrative or judicial review,

Recalling that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of peaceful protests, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

Acknowledging that peaceful protests can occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

Recognizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums,

Acknowledging that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisals or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Deeply concerned about extrajudicial, summary or arbitrary executions, torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Expressing its concern about the number of attacks targeting human rights defenders and journalists in the context of peaceful protests,

Expressing its concern also at the criminalization, in all parts of the world, of individuals and groups for having organized or taken part in peaceful protests,

Stressing that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recalling that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

Recalling also the importance of adequate training for officials exercising law enforcement duties assigned to deal with public protests, and of refraining, to the extent feasible, from assigning military personnel to perform such duties,

Bearing in mind that assemblies can be facilitated on the basis of communication and collaboration among protesters, local authorities and officials exercising law enforcement duties,

1. *Takes note with interest* of the summary of the seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, held on 2 December 2013, prepared by the United Nations High Commissioner for Human Rights, in accordance with Human Rights Council resolution 22/10;[1]

2. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

3. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

4. *Urges* States to facilitate peaceful protests by providing protestors with access to public space and protecting them, without discrimination, where necessary, against any form of threat and harassment, and underlines the role of local authorities in this regard;

5. *Underlines* the important role that communication between protestors, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls on States to establish appropriate channels in that regard;

[1] A/HRC/25/32 and Corr.1.

6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as gender-based violence, including sexual assault, in the context of peaceful protests;

7. *Reaffirms* that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, expression and association, including in the context of peaceful protests;

8. *Calls upon* all States to pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability;

9. *Urges* all States to avoid using force during peaceful protests and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;

10. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force in the context of law enforcement and are effectively implemented by officials exercising law enforcement duties, in particular applicable principles of law enforcement, such as the principles of necessity and proportionality, bearing in mind that lethal force may only be used as a last resort to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

11. *Affirms* that nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law;

12. *Calls upon* States to investigate any death or significant injury committed during protests, including those resulting from the discharge of firearms or the use of non-lethal weapons by officials exercising law enforcement duties;

13. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of a State, including in international human rights law and, where appropriate, international humanitarian law;

14. *Encourages* States to make protective equipment and non-lethal weapons available to their officials exercising law enforcement duties, while pursuing international efforts to regulate and establish protocols for the training and use of non-lethal weapons;

15. *Underlines* the importance of thorough, independent and scientific testing of non-lethal weapons prior to deployment to establish their lethality and the extent of likely injury, and of monitoring appropriate training and use of such weapons;

16. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such protests in a manner that conforms to their international human rights obligations and commitments;

17. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of and injuries to protestors, bystanders, those monitoring such protests and officials exercising law enforcement duties, as well as any human rights violation or abuse;

18. *Recognizes* the importance of documenting human rights violations and abuses committed in the context of peaceful protests, and the role that can be played by national human rights institutions, civil society, including non-governmental organizations,

journalists and other media workers, Internet users and human rights defenders, in this regard;

19. *Urges* States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law in conformity with their international human rights obligations and commitments, and to provide victims with access to a remedy and redress, including in the context of peaceful protests;

20. *Requests* the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions to prepare, from within existing resources, a compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned and, in the preparation of the compilation, to seek the views of States, relevant United Nations agencies, in particular the Office of the High Commissioner and the United Nations Office on Drugs and Crime, intergovernmental organizations, other relevant special procedures mandate holders, national human rights institutions, non-governmental organizations and other relevant stakeholders, such as practitioners, and to submit the compilation to the Human Rights Council at its thirty-first session;

21. *Decides* to continue its consideration of this topic, as well as next steps, at its thirty-first session under agenda item 3.

56th meeting
28 March 2014

[Adopted by a recorded vote of 31 to 9, with 7 abstentions. The voting was as follows:

In favour:

Argentina, Austria, Benin, Botswana, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France, Gabon, Germany, Indonesia, Ireland, Italy, Japan, Kazakhstan, Maldives, Mexico, Montenegro, Morocco, Peru, Philippines, Republic of Korea, Romania, Sierra Leone, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

China, Cuba, India, Kenya, Pakistan, Russian Federation, South Africa, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Algeria, Congo, Ethiopia, Kuwait, Namibia, Saudi Arabia, United Arab Emirates]